IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.BALAKRISHNAN NAIR

TUESDAY, THE 5TH JUNE 2007 / 15TH JYAISHTA 1929

OP.No. 26874 of 1999(Y)

PETITIONER:

1.PARTHAN.K. AGED 30 YEARS
S/O S. KRISHNAN, KOVILVILAKATHU VEEDU
T.C 2/477, MEDICAL COLLEGE P.O,
THIRUVANANTHAPURAM

2. PRADEEP K.S., KOLLAM VILA VEEDU
NEERAZHI LANE, ULLOOR
MEDICAL COLLEGE P.O, THIRUVANANTHAPURAM

3. ANIL.S, MINERVA BUILDING
AKSHARA VEEDHI, PETTAH
THIRUVANANTHAPURAM

BY ADV. SMT.DAISY THAMPI

RESPONDENTS:

1.STATE OF KERALA REPRESENTED BY THE
CHIEF SECRETARY, THIRVANANTHAPURAM

2. KERALA PUBLIC SERVICE COMMISSION
REPRESENTED BY ITS SECRETARY
THIRUVANANTHAPURAM

3. THE DIRECTOR OF PRINTING, THIRUVANANTHAPURAM

BY ADV. SRI.P.C.SASIDHARAN, SC, KPSC
GOVERNMENT PLEADER SRI.P.NANDAKUMAR

THIS ORIGINAL PETITION HAVING BEEN FINALLY HEARD ON 05/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

OP.No. 26874 of 1999(Y)

ORDER IN CMP NO. 45448 /1999 IN O.P NO. 26874 /1999

DISMISSED

5-6-2007 SD/- K.BALAKRISHNAN NAIR, JUDGE

PETITIONER'S EXHIBITS

Ext.P1: A true copy of the ranked list to the post of Printers Grade-II in Thiruvananthapuram District, Published on 4-6-1998

Ext.P2: A true copy of the order dated 20-7-1998

Ext.P3: A true copy of the order No. 12931/98/E4 dated 7-6-1998

Ext.P4: A true copy of the circular No. 57209/SD4/86/GAD dated 25-8-1986

Ext.P5: A true copy of the advice memo dated 23-1-1999

Ext.P6: A true copy of the order of appointment dated 25-2-1999

Ext.P7: A true copy of the Advice Memo issued to the 2nd petitioner dated 15-2-1999

Ext.P8: A true copy of the appointment order dated 6-3-1999

Ext.P9: A true copy of the order dated 23-6-1999

Ext.P10: A true copy of the order dated 2-7-1999

RESPONDENT'S EXHIBITS

Ext.R1(a): True copy of the revised seniority list

//True copy//

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K.BALAKRISHNAN NAIR,J.

OP NO.26874 OF 1999-Y

Judgment

The petitioners were included in Ext.P1 rank list published by the Public Service Commission on 04.06.1998, for appointment to the post of Printer Grade-II in Government Presses. Though, there were sufficient number of vacancies to advise the petitioners also, they were not included in the list of candidates advised by the Public Service Commission on 30.06.1998. The first petitioner was advised for appointment on 23.01.1999 and the second and third petitioners, on 15.02.1999. Their grievance is that they were not advised at the first instance, along with others, advised on 30.06.1998 and therefore, they have lost various service benefits. They have yet another grievance that they were appointed as Printer Trainees, as per Ext.P6 and similar orders. Only after completing three months' training, they were appointed in the regular time scale of pay as per Ext.P10 and similar orders. During the training period, they were only paid an allowance of Rs.500/- per month. The petitioners submit, the said period of training should also be treated as service for all purposes, including for the purpose of reckoning the probation period and grant of increments etc. Claiming the above reliefs, this Writ Petition is filed.

2. The learned Standing Counsel for the Public Service Commission, upon instruction, submitted that the petitioners could not be advised in time because of the interim order passed by this Court in the Original Petitions filed by some others. Further,

the mistake committed in advising them has been rectified by the Public Service Commission also.

3. The 1st respondent has filed a counter affidavit and along with it, Ext.R1(a) revised seniority list as per the revised advice list for appointment to the post of Printer Grade-II has been produced. The same would show that the advice of the petitioners has been pre-dated as 30.06.1998. Therefore, they are entitled to get seniority with effect from the said date. It is submitted that the petitioners were appointed only as Trainees and they were appointed on regular basis, on the time scale of pay after completion of their training.

4. In view of Ext.R1(a), the grievance of the petitioners regarding loss of seniority, arising out of the delay in advising them, has been redressed. In the counter affidavit, the reason for appointing the petitioners initially as Trainees, has been explained. Since they have to handle sophisticated machinery, they must be given proper training and only after satisfactory completion of the training, they can be appointed on regular basis. It is also submitted that no training could be given to provisional hands appointed through Employment Exchange as they are appointed only for a short period. Promotees and transferees to the post of Printer Grade-II are persons already in service and therefore, they cannot be posted as trainees with payment of a consolidated stipend. So, on their promotion/transfer, they are appointed on the time scale of pay, it is submitted.

5. Since the petitioners are recruited from the open market, I find nothing illegal with the initial posting given to them as Trainees for a period of three months. Since they are

Trainees, the said period cannot be treated as part of regular service. In view of the above position, the OP is disposed of, recording the relief to the petitioners as per Ext.R1(a), regarding their grievance arising out of the delay in advising them.

05.06.2007 **K.BALAKRISHNAN NAIR,JUDGE**

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